MATTHEW J. MATERN (Cal. State Bar No. 159798)
CHRISTOPHER HUGHES (Cal. State Bar. No. 307456)
MATERN LAW GROUP
1230 Rosecrans Avenue, Suite 200
Manhattan Beach, California 90266
Telephone: (310) 531-1900
Facsimile: (310) 531-1901
MMatern@maternlawgroup.com
CHughes@maternlawgroup.com

Attorneys for Plaintiff
Aisha Bowen

JEFFREY D. WOHL (Cal. State Bar No. 96838)
CHASE W. ENSIGN (Cal. State Bar No. 275035)
LIN ZHU (Cal. State Bar No. 305622)
PAUL HASTINGS LLP
55 Second Street, 24th Floor
San Francisco, California 94105
Telephone: (415) 856-7000
Facsimile: (415) 856-7100
jeffwohl@paulhastings.com
chaseensign@paulhastings.com
linzhu@paulhastings.com

Attorneys for Defendant
Target Corporation

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

AISHA BOWEN,

Plaintiff,

vs.

TARGET CORPORATION and DOES 1 through 50, inclusive,

Defendants.

No. 2:16-cv-02587-JGB-MRW

JOINT STIPULATION TO STAY MEAL-PERIOD CLAIMS IN THIS ACTION PENDING OUTCOME OF MEAL-PERIOD CLAIMS IN *THOMPSON V. TARGET CORP.*

Courtroom: Courtroom 1
3470 Twelfth Street,
Riverside, California
Judge: Hon. Jesus G. Bernal

Plaintiff Aisha Bowen ("Plaintiff") and defendant Target Corporation ("Target"), acting by and through their attorneys of record, hereby stipulate as follows:

1. In this action, Plaintiff asserts the following causes of action:

   a. In her first cause of action, plaintiff alleges that Target failed to provide non-exempt Target employees in California with meal periods. On this basis, Plaintiff seeks to recover a meal-period premium of one hour of wages for each violation pursuant to California Labor Code section 226.7.

   b. In her third cause of action, Plaintiff alleges that Target failed to pay overtime wages, based in part on Target's alleged failure to provide meal periods.

   c. In her fourth cause of action, Plaintiff alleges that Target failed to pay minimum wages, based in part on Target's alleged failure to provide meal periods.

   d. In her fifth cause of action, Plaintiff alleges that Target failed to pay employees whose employment with Target terminated all of their final wages, based in part on Target's alleged failure to pay meal-period premiums.

   e. In her sixth cause of action, Plaintiff alleges that Target failed to maintain required records based, in part, on Target's alleged failure to provide meal periods and pay meal-period premiums.

   f. In her seventh cause of action, Plaintiff alleges that Target failed to render accurate wage statements based, in part, on Target's alleged failure to pay meal-period premiums.

   g. In her ninth cause of action, Plaintiff seeks equitable restitution of those meal-period premiums under the unfair competition law, Cal. Bus. & Prof. Code § 17200 *et seq*.

   h. In her tenth cause of action, Plaintiff seeks civil penalties under the

California Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab. Code § 2698 *et seq.*, based, in part, on the same allegations as her first, third, fourth, fifth, sixth, seventh, and ninth causes of action.

Plaintiff asserts these causes of actions on behalf of herself and all non-exempt employees who worked at California Target stores from December 7, 2011, to the present, or some subset period of time. These claims (to the extent they are premised on Target's alleged failure to provide meal periods and pay meal-period premiums) are collectively referred to in this stipulation as the "*Bowen* meal-period claims."

2. Target denies Plaintiff's allegations and claims.

3. Stacy Thompson ("Thompson") previously commenced an action against Target, which is currently pending before this Court, entitled "*Stacy Thompson, Plaintiff v. Target Corporation and Does 1 through 10, Defendants*," No. CV-16-00839-JGB (MRW). Like Plaintiff here, Thompson has asserted the following causes of action:

a. In one cause of action, Thompson alleges that Target failed to provide meal periods, for which Thompson seeks to recover a meal-period premium of one hour of wages for each violation pursuant to California Labor Code section 226.7.

b. In another cause of action, Thompson alleges that Target owes equitable restitution of those meal-period premiums under the unfair competition law, Cal. Bus. & Prof. Code § 17200 *et seq.*

c. In other causes of action, Thompson seeks penalties under PAGA based, in part, on Target's alleged failure to provide meal periods and pay meal-period premiums.

Thompson asserts these causes of action on behalf of herself and hourly, non-exempt employees, whom Target employed in its California stores since December 22, 2007, or some subset period of time. These claims (to the extent they are premised on Target's alleged failure to provide meal periods and pay meal-period premiums) are collectively referred to in this stipulation as the "*Thompson* meal-period claims."

4. Target denies these allegations and claims.

5. On November 16, 2015, while the *Thompson* action was pending in the Superior Court of California in and for the County of Los Angeles, the Superior Court granted Thompson's motion for class certification with respect to her meal-period class claims under California Labor Code section 226.7(b) and Cal. Bus. & Prof. Code § 17200 *et seq.*

6. On February 5, 2016, Target removed the *Thompson* action to this Court based on diversity of citizenship jurisdiction under 28 U.S.C. section 1332 (as amended by CAFA, Pub. L. 109-2, § 4(a), 119 Stat. 9), and section 1441(a). On March 7, 2016, Thompson filed her motion to remand. This Court has not yet rendered a decision on Thompson's motion to remand.

7. The parties here anticipate that the ongoing litigation of the *Thompson* meal-period claims, whether before this Court if the pending motion to remand is denied or before the Superior Court if the pending motion to remand is granted, will impact significantly the course of the *Bowen* meal-period claims. Staying the *Bowen* meal-period claims pending the resolution of the *Thompson* meal-period claims therefore would conserve the parties' and the Court's resources.

8. Based on the foregoing, the parties agree and respectfully request that the *Bowen* meal-period claims should be stayed for all purposes beginning on the date that the Court approves this stipulation and pending final resolution of the *Thompson* meal-period claims, whether by this Court or the Superior Court. In the event that the *Thompson* meal-period claims are decertified, the parties agree that the stay on the *Bowen* meal-period claims shall be lifted.

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I, Jeffrey D. Wohl, attest that all other signatories listed concur in the filing's content and have authorized the filing.

Dated: May 20, 2016.

MATERN LAW GROUP

By: /s/ Matthew J. Matern
Matthew J. Matern
Attorneys for Plaintiff
Aisha Bowen

Dated: May 20, 2016.

JEFFREY D. WOHL
CHASE W. ENSIGN
LIN ZHU
PAUL HASTINGS LLP

By: /s/ Jeffrey D. Wohl
Jeffrey D. Wohl
Attorneys for Defendant
Target Corporation